IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

B.J. PIERCE	)	Civil Action No. 04-248 ERIE
	)	(Judge Maurice B. Cohill, Jr.)
Plaintiff	)	
	)	ELECTRONICALLY FILED PLEADING
v.	)	
	)	
TOWNSHIP OF MILLCREEK	)	
	)	
Defendant	)	

JOINT MOTION TO AMEND CASE MANAGEMENT ORDER
FOR ENLARGEMENT OF TIME FOR FILING DISPOSITIVE MOTIONS

AND NOW, this 22nd day of December, 2005, come Defendant, Township of Millcreek, and Plaintiff, B.J. Pierce, by and through their attorneys, the undersigned, motioning the Court to amend the Case Management Order, stating in support thereof the following:

1. Pursuant to the Court's revised Case Management Order dated September 13, 2005, the discovery period closed on December 2, 2005.

2. The Court's Order also provided filing deadlines for dispositive motions, pretrial narratives and other matters.

3. The parties conducted extensive discovery and have developed a significant record. Some of the individuals involved in the prosecution and defense of the case will be unavailable for periods during the holiday season. Additionally, the parties have recently resumed settlement negotiations and need additional time to conclude those one way or the other.

4. Therefore, the parties request a 45-day enlargement of the remainder of the schedule in the Court's revised Case Management Order, including a 45-day

extension of the time in which the parties may file motions for summary judgment and 30 days for responses to motions for summary judgment.

5. No prejudice would result if the Court were to grant this motion.

WHEREFORE, Defendant, Township of Millcreek, and Plaintiff, B.J. Pierce, respectfully request the Court to order that dispositive motions be filed on or before February 16, 2006, that Plaintiff's pretrial narrative statement be filed on or before March 17, 2006 and that Defendant's pretrial narrative statement be filed on or before April 7, 2006.

Respectfully submitted,

BY: /s/ Richard T. Ruth

Richard T. Ruth, Esq.
1026 West Sixth Street
Erie, Pennsylvania 16501
Phone: (814) 453-6606
Fax: (814) 453-5047
E-mail: rt@rtruth.net
Bar No.: PA23459

Attorney for Plaintiff,
Billie Jo Pierce

Respectfully submitted,

KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.

BY: /s/ Mark J. Kuhar

Mark J. Kuhar, Esq.
120 West Tenth Street
Erie, Pennsylvania 16501-1461
Phone: (814) 459-2800
Fax: (814) 453-4530
E-mail: mkuhar@kmgslaw.com
Bar No.: PA71185

Attorneys for Defendant,
Township of Millcreek

647720